In the High Court of Punjab and Haryana at Chandigarh

C.R. No.420 of 2005
Date of decision:11-09-2006

Laxmi Narain .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Yash Pal Malik, Advocate, for the petitioner.
Mr.Jatinder Chauhan, Addl.A.G. Haryana, for the respondent.

VINOD K.SHARMA,J. (ORAL)

This order will dispose of a bunch of revision petitions bearing Civil Revision Nos.420 to 431 of 2005 involving identical questions of law and facts.

These revision petitions have been filed against the orders passed by the learned Additional District Judge, Jhajjar, vide which the appeal filed by the petitioners against the order passed by the Collector ordering their eviction has been dismissed by holding that the Court had no jurisdiction to entertain the said appeal as the same was competent before the Commissioner.

Learned counsel for the petitioner contends that once the Court came to the conclusion that it had no jurisdiction to entertain the appeal, it was not open to it to adjudicate the matter on merit and the appeal should have been returned to the petitioners for filing the same in an appropriate Court.

The contention of the learned counsel for the petitioners is that in case they now file an appeal before the Commissioner, their right of free adjudication is likely to the affected in view of the findings recorded on merit. However, I feel that this contention is misconceived as the Appellate Court i.e. the Commissioner in case any

appeal is filed would be bound to decide the same on merit without being influenced by the findings recorded by the learned Additional District Judge since the appeal has been dismissed for want of jurisdiction.

Therefore, there is no merit in these revision petitions and the same are ,accordingly, dismissed.

11-9-2006,
'dls'

(VINOD K.SHARMA)
JUDGE